

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

D & D GROUP PTY LTD, an Australian corporation; D & D TECHNOLOGIES PTY LTD, and Australian corporation; D & D TECHNOLOGIES (USA), INC., a California corporation,

Civil No. 08-cv-0236-WQH (POR)

## Plaintiffs,

V.

NATIONWIDE INDUSTRIES INC, a Florida corporation.

Defendant.

## **ORDER RESCHEDULING EARLY NEUTRAL EVALUATION CONFERENCE**

Counsel for all parties contacted chambers on May 7, 2008 and jointly requested that the Early Neutral Evaluation conference scheduled for May 28, 2008 be rescheduled. By agreement of the parties, IT IS HEREBY ORDERED that the Early Neutral Evaluation conference in this matter shall be held on **July 3, 2008 at 10:00 a.m.**

All parties, adjusters for insured defendants, and other representatives of a party having full authority<sup>1</sup> to enter into a binding settlement, and the principal attorneys responsible for the litigation,

<sup>1</sup> “Full authority” to settle means that the individuals at the settlement conference must be authorized to fully explore settlement options and to agree at that time to any settlement terms acceptable to the parties. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648 (7th Cir. 1989). The person needs to have “unfettered discretion and authority” to change the settlement position of a party. Pitman v. Brinker Intl., Inc., 216 F.R.D. 481, 485-486 (D. Ariz. 2003). The purpose of requiring a person with unlimited settlement authority to attend the conference includes that the person’s view of the case may be altered during the face to face conference. Id. at 486. A limited or a sum certain of authority is not adequate. Nick v. Morgan’s Foods, Inc., 270 F.3d 590 (8th Cir. 2001).

1 must be present **in person** and legally and factually prepared to discuss settlement of the case.

2 Plaintiff's counsel shall give notice of the ENE to parties responding to the complaint after  
3 the date of this notice.

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5 DATED: May 9, 2008

  
6  
7 LOUISA S PORTER  
8 United States Magistrate Judge

9 cc: The Honorable William Q. Hayes

10 All parties

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